

Docket: DOC/US/0309
US Pat. Appln. No. 10/748,438

REMARKS

Claims 1-2, 4-6 and 8-20 are now pending. Dependent Claims 3 and 7 have been canceled. Claim 1 is the only independent claim.

First, Applicants thank the Examiner for the indication (para. 11 of Action) that Claim 7 appears to be allowable over the art of record. The limitations of Claim 7 have been added to amended independent Claim 7 (and Claim 7 therefore canceled). All of Claims 2-6 and 8-20 depend from independent Claim 1. It is therefore submitted that Claims 1-6 and 8-20 are patentable over the art of record.

The Abstract of the disclosure was objected to (para. 1 of Action) "because it contained the objectionable phrase 'the invention relates to'". This has been addressed in the foregoing amendments to the Abstract. Accordingly, withdrawal of the objection is respectfully requested.

Claims 1-20 were rejected under 35 USC 112, second paragraph, as indefinite. Specifically, the Action notes (para. 3 of Action) that it is "unclear what is intended by and what structure is represented by 'cup-type compartment'" and "what is the structural difference between the 'cup-type compartment' in claim 1 and the 'beverage container' of claim 3". Each of these issues has been addressed in the foregoing amendments. Specifically, independent Claim 1 has been amended to remove the language "cup-like", and to recite a *beverage* container. Dependent Claim 3 has been canceled.

Claims 1, 3, 4, 10 and 18 were rejected under 35 USC 102(c) as being anticipated by US 2004/0031797 (Farnsworth et al.); Claims 2, 11, 12, 16 and 17 were rejected as being anticipated, or, in the alternative under 35 USC 103(a) as being unpatentable over Farnsworth; Claims 6, 13 and 14 were rejected as being unpatentable over Farnsworth; Claims 8, 9, 15 and 20 were rejected as being anticipated, or, in the alternative as being unpatentable over Farnsworth; and finally, Claim 5 was rejected as being unpatentable over Farnsworth. Each of the rejections is respectfully traversed.

Specifically, in light of the foregoing claim amendments (to include the allowable limitations of Claim 7 in amended independent Claim 1, and to overcome the Section 112, second paragraph rejections), all of the pending claim objections and rejections are believed to be rendered moot. Reconsideration is requested.

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The application is believed to be in condition for allowance. Prompt review and issuance is accordingly requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

If there are any fees due and owing in respect to this amendment, the Examiner is authorized to charge such fees to deposit account number 50-1047.

Respectfully submitted,



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